

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

ALVIN TURNER,

Plaintiff,

v.

Case Nos. 07-12126
07-12806

RONALD YEE and WAYNE COUNTY

Honorable Arthur J. Tarnow

Defendants.

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**ORDER GRANTING MOTION TO DISMISS [DE 6] AND DENYING APPLICATION FOR
APPOINTMENT OF COUNSEL [DE 4]**

Before the Court is the defendants' motion to dismiss, to which plaintiff Turner has filed no response.

This Court does not have jurisdiction over Turner's claims in 07-12126. Wayne County had increased the premia that retirees would have to pay under a supplemental life insurance program. Mr. Turner does not oppose this assertion by the defendants. Plaintiff contends that the increase in his premium payments offset the gain in Social Security benefits he would be getting. But this happenstance does not provide a legal basis to invoke federal court jurisdiction.

As for case 07-12806, Turner claims that he should have received \$2,000 as his monthly pension benefit. However, he says, once he started receiving his Social Security check of \$1,000 per month, defendants wrongly withheld \$1,000 from his pension each month. Although this claim could sound in contract, it may also be grounded in the Employee Retirement Income Security Act of 1974, so the court at this point will not summarily dismiss the complaint in 07-12806.

Therefore, defendants' motion to dismiss is GRANTED as to the complaint in 07-12126. That complaint is DISMISSED.

Although these two cases had been previously consolidated, case number 07-12806 shall proceed under the scheduling order set by the Court. Plaintiff also filed a motion for the appointment of counsel in 07-12860. There is no right to counsel in civil cases. Plaintiff's

request is DENIED.

SO ORDERED.

S/ARTHUR J. TARNOW

Arthur J. Tarnow
United States District Judge

Dated: January 23, 2008

I hereby certify that a copy of the foregoing document was served upon counsel of record on January 23, 2008, by electronic and/or ordinary mail.

S/THERESA E. TAYLOR

Case Manager